

REMARKS/ARGUMENTS

Prior to entry of this Amendment, claims 1-13 were pending in this application. Claim 5 has been amended, claims 1-4 have been canceled, and no claims have been added herein. Therefore, claims 5-13 are now pending. The applicant respectfully submits that the amendments presented herein present no new matter and are made only to correct formal matters and to place the claims in better form for appeal. Specifically, claim 5 has been amended to correct dependency in light of the cancellation of claim 1. Therefore, Applicant respectfully requests entry of the amendments and reconsideration of these claims for at least the reasons presented below.

35 U.S.C. § 101 Rejection, Non-statutory matter

The Final Office Action has rejected claims 1-5 under 35 U.S.C. § 101 as allegedly being directed to non-statutory matter. More specifically, the claims have been rejected for allegedly failing to produce a tangible result which enables any usefulness of having made the determination to be realized. While the Applicant continues to disagree with the reason for this rejection for at least the reasons stated previously, it is noted that claims 1-4 have been canceled and claim 5 has been amended to depend upon claim 6. Thus, the Applicant respectfully submits that the rejection has been rendered moot and requests withdrawal of the rejection.

35 U.S.C. § 112 Rejection

The Final Office Action has rejected claims 10-13 under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. The term 'database' allegedly constitutes new matter not described in the original specification. The Applicant respectfully points out that the term database and the process of loading a database with action

sets and associated set of action statements is in fact disclosed in the provisional application to which the present application claims priority and which is incorporated by reference in the present application. More specifically, please see for example U.S. Provisional Patent Application Number 60/422, 962 page 2, lines 8 and 9. Therefore, the Applicant respectfully submits that the rejection is improper and should be withdrawn.

35 U.S.C. § 102 Rejection, Carpenter

The Final Office Action has rejected claims 1-4 and 6-10 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,199,068 B1 to Richard Carpenter (hereinafter "Carpenter"). The Applicant respectfully submits the following arguments pointing out significant differences between claims 5-13 submitted by the Applicants and Carpenter.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." MPEP 2131 citing *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Applicants respectfully argue that Carpenter fails to disclose each and every claimed element. For example, Carpenter fails to disclose, either expressly or inherently, examining statements in computer source code to identify a plurality of conditional statements and a plurality of action statements, tagging the plurality of conditional statements and the plurality of action statements, generating action sets based on the conditional statements, or identifying associated sets of action statements.

Carpenter "relates generally to an automated meter reading (AMR) system, and more particularly to an AMR server within the automated reading system which collects, loads and manages data from energy meters, and processes and stores meter data for routing to end users and business systems." (Col. 1, lines 14-19) To this end, Carpenter discloses "a computer system having a canonical mapper to translate an input file from an input domain to an output domain." That is, Carpenter discloses a mapper for translating a collection of meter data from an

input format to an output format. Therefore, as an initial matter, Carpenter does not relate to extracting business logic from computer source code having a plurality of statements.

In response to this argument, the Office Action cites and quotes a portion of Carpenter as follows:

"The AMR Server of the present invention advantageously offers a large scale system solution to address the management of metering data and the administration of the system that perform the management . . . to accommodate the variety of legacy systems and platforms existing . . . to accommodate customer to customer differences in requirements, business logic and regulatory requirements." (Final Office Action page 3, 5th paragraph citing Carpenter, Col. 8, line 65 - col. 9, line 1)

However, even in light of this argument, the Applicant maintains that Carpenter does not relate to extracting business logic from computer source code having a plurality of statements. Rather, Carpenter discloses an AMR Server that is program to perform the translation of a collection of meter data from an input format to an output format via a set of work flows. (Col. 11, lines 3-7) Thus, Carpenter does not relate to extracting business logic from computer source code. The business logic mentioned in the above quoted portion of Carpenter clearly indicates business logic which will be applied to the translated meter data, not business logic extracted from the meter data.

Furthermore, Carpenter does not disclose examining statements in computer code to identify a plurality of conditional statements and a plurality of action statements, tagging the plurality of conditional statements and the plurality of action statements, generating action sets based on the conditional statements, or identifying associated sets of action statements.

Claim 6, upon which claims 5 and 7-9 depend, and claim 10, upon which claims 11-13 depend, each recite in part "examining the plurality of statements to identify a plurality of conditional statements and a plurality of action statements; tagging the plurality of conditional

statements and the plurality of action statements, wherein each conditional statement has an associated tag and each action statement has an associated tag; grouping the plurality of conditional statements and the plurality of action statements; generating a plurality of action sets based on the plurality of conditional statements, wherein each of the plurality of action sets includes an associated set of action statements; [and] for each action set, identifying the associated set of action statements from the grouped plurality of action statements." Carpenter does not disclose, expressly or inherently, examining statements in computer code to identify a plurality of conditional statements and a plurality of action statements, tagging the plurality of conditional statements and the plurality of action statements, generating action sets based on the conditional statements, or identifying associated sets of action statements. For at least these reasons, claims 5-13 should be allowed.

35 U.S.C. § 103 Rejection, Carpenter in view of Ohkubo

The Final Office Action has rejected claim 5 under 35 U.S.C. § 103(a) as being unpatentable over Carpenter in view of U.S. Patent No. 5,742,827 to Ohkubo et al. (hereinafter "Ohkubo"). Applicants respectfully request withdrawal of the rejection and allowance of the claim for at least the reason that claim 5 depends upon independent claim 6 which is thought to be allowable as discussed in detail above.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

Appl. No. 10/699,566

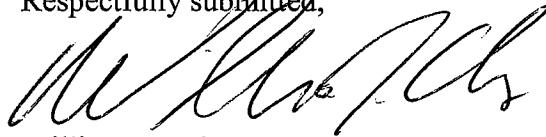
PATENT

Amdt. dated: May 23, 2007
Amendment under 37 CFR 1.116 Expedited Procedure
Examining Group 2191

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 303-571-4000.

Dated: May 23, 2007

Respectfully submitted,



William J. Daley
Reg. No. 52,471

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, California 94111-3834
Tel: 303-571-4000 (Denver office)
Fax: 303-571-4321 (Denver office)

WJD/sbm

61042395 v1